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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,175	06/14/2001	Rabindranath Dutta	AUS920010219US1	8002

7590

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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,175

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5,6,12,13,19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case the examiner is unable to determine what a session represents, because it could be any number of time usage situations; for example the session time at an ISP, a session time at a suppliers website, total time connected through the wireless device ect. Appropriate correction is required.

Claims 7,14 and 21 recite the limitation "the total price". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farhat et al (2001/0034704) in view of Official Notice and further in view of PR NewsWire.

In regards to claim 1, Farhat discloses a method for calculating a cost discount for mobile telephone Internet access, comprising: receiving an access request from a client machine;

determining that the client machine is using a wireless communication protocol (para 39);

sending an electronic document to the client machine;
receiving a customer purchase order. Farhat teaches using an electronic network for e-commerce, but does not specifically mention that there is an electronic document such as a purchase order form being sent to the wireless device. Sending and receiving forms over the internet to a wireless device to facilitate the ordering of product is old and well known in the art. It would have been obvious to a person having ordinary skill in the art to include in Farhat sending purchase orders over the wireless network, because this would provide a well known and efficient method of transacting e-commerce over a wireless device.

applying a discount to the purchase price of the order, based on the fact that the client machine was using the wireless communication protocol. Farhat teaches giving discounts based on transactions and specific usage of a wireless protocol in a purchasing event (FIG 12), but does not specifically mention that the discount is a discount on the purchase order item. Pr Newswire teaches discounts on products based

Art Unit: 3625

on agreements with sponsor companies, which are offered over a wireless network (see entire article). It would have been obvious to a person having ordinary skill in the art to include offering discounts on products ordered over the wireless network, since is notoriously known that targeting offers is a very efficient way of advertising and offering discounts.

In regards to claim 2, Farhat teaches a wherein the wireless communication protocol is Wireless Application Protocol (para 36).

In regards to claim 3, Farhat teaches a wherein the electronic document sent to the client is a Wireless Markup Language document and contains product information and ordering instructions. Farhat teaches displaying information on a users wireless device, but does not specifically mention that the device is using Wireless Markup Language. It was old and well known in the art at the time of the invention to use WML to communicate information to wireless devices. It would have been obvious to a person having ordinary skill in the art to include in Farhat the use of WML, because this would provide an efficient means for micro browsers used on WAP enabled devices to access websites.

In regards to claim 4, Farhat teaches a wherein the step of applying a discount to the purchase price further comprises: mapping a customer identifier to a discount

Art Unit: 3625

scheme table; and computing a discount based on a discount scheme selected from the table (FIG 11 and 12).

In regards to claim 5, Farhat teaches a wherein the discount is based on total session time (para 77-82).

In regards to claim 6, Farhat teaches a wherein the discount is based on a flat discount per session (para 77-82).

In regards to claim 7, Farhat teaches a wherein the discount is based on a percentage of the total purchase price (see claim 1 and para 84, value total).

In regards to claim 8, Farhat discloses a computer program product in a computer readable medium for use in a data processing system, for calculating a cost discount for mobile telephone Internet access, the computer program product comprising:

- instructions for receiving an access request from a client machine;
- instructions for determining that the client machine is using a wireless communication protocol;
- instructions for sending an electronic document to the client machine;
- instructions for receiving a customer purchase order; and

instructions for applying a discount to the purchase price of the order, based on the fact that the client machine is using the wireless communication protocol (see response to claim (see response to claim 1)).

In regards to claim 9, Farhat teaches a wherein the wireless communication protocol is Wireless Application Protocol (see response to claim 2).

In regards to claim 10, Farhat teaches a wherein the electronic document sent to the client is a Wireless Markup Language document and contains product information and ordering instructions (see response to claim 3).

In regards to claim 11, Farhat teaches a wherein the instructions for applying a discount to the purchase price further comprise: instructions for mapping a customer identifier to a discount scheme table; and instructions for computing a discount based on a discount scheme selected from the table (see response to claim 4).

In regards to claim 12, Farhat teaches a wherein the discount is based on total session time.

In regards to claim 13, Farhat teaches a wherein the discount is based on a flat discount per session (see response to claim 6).

In regards to claim 14, Farhat teaches a wherein the discount is based on a percentage of the total purchase price (see response to claim 7).

In regards to claim 15, Farhat discloses a system for calculating a cost discount for mobile telephone Internet access, comprising: a first receiving component which receives an access request from a client machine;

a first processing component, which determines that the client machine is using a wireless communication protocol;

a communications component, which sends an electronic document to the client machine;

a second receiving component which receives a customer purchase order; and

a second processing component which applies a discount to the purchase price of the order, based on the fact that the client machine is using the wireless communication protocol (see response to claim 1).

In regards to claim 16, Farhat teaches a wherein the wireless communication protocol is Wireless Application Protocol (see response to claim 2).

In regards to claim 17, Farhat teaches a wherein the electronic document sent to the client is a Wireless Markup Language document and contains product information and ordering instructions (see response to claim 3).

Art Unit: 3625

In regards to claim 18, Farhat teaches a wherein the step of applying a discount to the purchase price further comprises: a mapping component which maps a customer identifier to a discount scheme table; and a processing component which computes a discount based on a discount scheme selected from the table (see response to claim 4).

In regards to claim 19, Farhat teaches a wherein the discount is based on total session time (see response to claim 5).

In regards to claim 20, Farhat teaches a wherein the discount is based on a flat discount per session (see response to claim 6).

In regards to claim 21, Farhat teaches a wherein the discount is based on a percentage of the total purchase price (see response to claim 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner